

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BYRON MARTIN,

Plaintiff

v.

File No. 1:05-CV-74

ORLEANS COUNTY, VERMONT;

VERMONT STATE TROOPERS;

LARRY SMITH; SEAN SELBY;

CHARBONNEAU; ROBERTS;

EDWARD LEDO; and COLIN SEAMAN,

Defendants

ORDER

The Magistrate Judge's Report and Recommendation was filed April 7, 2005 (Paper 3). After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's complaint is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 2nd day of May, 2005.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge